

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08cv19**

ANCHOR ASSOCIATES, LLC,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
SCW HOLDINGS, LLC; SPEEDWAY)	
CARWASH CORP., LLC; SPEEDWAY)	
CARWASH HOLDING CO., CW #1,)	
LLC; WEINTURA, LLC; and STEVE)	
FISHMAN, individually,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on periodic case review. On May 28, 2008, the court stayed the requirement of conducting an IAC until the remainder of the defendants were served. Despite such dispensation, plaintiff has failed to file with the court any indicia of service of the remaining defendants or seek enlargement of the time for service even though the time for service has now well expired. Local Civil Rule 16.1(D), provides in relevant part:

(D) Joinder of the Issues. For the limited purpose of these Local Civil Rules, “joinder of the issues” occurs when the final answer to a complaint, third-party complaint, or crossclaim or the final reply to counterclaim has been filed, **or the time for doing so has expired.**

L.Cv.R. 16.1(D). Thus, issues have now joined between plaintiff and Weintura, LLC, and an IAC and CIAC will be required.

ORDER

IT IS, THEREFORE, ORDERED that the **STAY** entered as to the conducting of an IAC is **LIFTED**, and the parties shall conduct an IAC (by phone) and file the CIAC not later than October 22, 2008.

Signed: October 16, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

